

# **Exhibit 1**

**Scharf-Norton Center for Constitutional Litigation at the  
GOLDWATER INSTITUTE**

Clint Bolick (Arizona Bar No. 021684)

Diane S. Cohen (Arizona Bar No. 027791)

Christina Kohn (Arizona Bar No. 027983)

500 E. Coronado Rd., Phoenix, AZ 85004

(602) 462-5000

[litigation@goldwaterinstitute.org](mailto:litigation@goldwaterinstitute.org)

*Attorneys for Intervenor-Defendants Save Our Secret Ballot & 34 Individuals*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

NATIONAL LABOR RELATIONS ) 2:11-cv-00913

BOARD, )

)

Plaintiff, ) **ANSWER OF INTERVENOR-**  
) **DEFENDANTS SAVE OUR SECRET**  
vs. ) **BALLOT AND 34 INDIVIDUALS**

)

STATE OF ARIZONA, )

)

Defendant. )

Pursuant to Rule 24(c), Fed. R. Civ. P., a motion to intervene must be

“accompanied by a pleading that sets out the claim or defense for which

intervention is sought.” Pursuant to Rule 7(a), Fed. R. Civ. P., the most

appropriate “pleading” for which the proposed Intervenor-Defendants may submit

is an answer to the Plaintiff’s complaint. This answer sets out the defenses for

which intervention is sought, including affirmative and other defenses.

Intervenor-Defendants do not, by this pleading accompanying their Motion to

Intervene, waive any defenses.

1           1. Paragraph 1 of the Complaint merely describes what Plaintiff is seeking  
2 in this litigation and does not require a response.

3           2. Paragraph 2 of the Complaint states a legal conclusion that requires no  
4 response, although Intervenor-Defendants affirmatively state that Article II, § 37  
5 of the Arizona Constitution is not preempted by the National Labor Relations Act  
6 (NLRA).  
7

8           3. Intervenor-Defendants ADMIT that jurisdiction is proper in this Court  
9 and that the action is brought under the NLRA and the Supremacy Clause of the  
10 U.S. Constitution as set forth in paragraph 4 of the Complaint.  
11

12           4. Intervenor-Defendants ADMIT that venue is proper in this Court as set  
13 forth in paragraph 4 of the Complaint.  
14

15           5. Intervenor-Defendants ADMIT the allegations in paragraph 5 of the  
16 Complaint.  
17

18           6. Intervenor-Defendants ADMIT the allegation in paragraph 6 of the  
19 Complaint.  
20

21           7. Intervenor-Defendants ADMIT the allegations in paragraph 7 of the  
22 Complaint.  
23

24           8. Intervenor-Defendants ADMIT the allegation in paragraph 8 of the  
25 Complaint.  
26

27           9. Paragraph 9 of the Complaint sets forth portions of federal statutes that  
28 speak for themselves and require no response.





/S/Clint Bolick  
Clint Bolick (Arizona Bar No. 021684)  
Diane S. Cohen (Arizona Bar No. 027791)  
Christina Kohn (Arizona Bar No. 027983)  
**Scharf-Norton Center for Constitutional  
Litigation at the GOLDWATER  
INSTITUTE**  
500 E. Coronado Rd., Phoenix, AZ 85004  
(602) 462-5000  
[litigation@goldwaterinstitute.org](mailto:litigation@goldwaterinstitute.org)  
*Attorneys for Intervenor-Defendants  
Save Our Secret Ballot & 34 Individuals*

I am an attorney and hereby certify that on June 9, 2011, I electronically filed the attached document with the Clerk of the Court for the United States District Court-District of Arizona by using the CM/ECF system.

**/S/Carrie Ann Sitren**